

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

James Muhammad,)	Civil Action No.: 3:12-1196-MGL
)	
Plaintiff,)	
)	
vs.)	ORDER AND OPINION
)	
GEO Care; Just Care; Columbia Care)	
Center; Columbia Regional Care Center;)	
Department of Mental Health; Byrans)	
[sic] Hospital; Traylor Jowers; Harvey)	
Miller; Chief McCease; Steve Adwell;)	
David Calef; and Chris Lindgren,)	
)	
Defendants.)	
_____)	

Plaintiff James Muhammad (“Plaintiff”) proceeding *pro se*, is currently confined at GeoCare. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. On May 8, 2012, Plaintiff, submitted his complaint by facsimile. (ECF No. 1.) On May 21, 2012, Judge McCrorey issued an Order providing Plaintiff an opportunity to bring his case into proper form. (ECF No. 6.) Plaintiff complied with the order and submitted an amended complaint. (ECF No. 9.) Plaintiff claims, *inter alia*, that he was illegally admitted to Geo Care, that his property and gifts were monopolized, that Defendant David Calef violated attorney client confidentiality and that he was illegally medicated. *Id.* at 3. Plaintiff seeks monetary damages. *Id.* at 5.

On August 24, 2012, Magistrate Judge McCrorey issued a Report and Recommendation recommending *inter alia* that the court dismiss Plaintiff’s complaint without prejudice and without issuance and service of process as the complaint failed to state a cognizable claim upon which relief can be granted as to the following Defendants: Geo Care; Just Care; Columbia Care Center; Columbia Regional Care Center, the Department of Mental Health; Byrans [sic] Hospital; Traylor

Jowers; Harvey Miller; Chief McClease; Steve Adwell; and David Calef. (ECF No. 15 at 7.)

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made. Plaintiff was advised of his right to file objections to the Report and Recommendation. (ECF No. 15 at 8.) Plaintiff has filed no objections and the time for doing so has expired. In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge’s recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is DISMISSED without prejudice and without issuance and service of process as to Defendants Geo Care; Just Care; Columbia Care Center; Columbia Regional Care Center, the Department of Mental Health; Byrans [sic] Hospital; Traylor Jowers; Harvey Miller; Chief McClease; Steve Adwell; and David Calef.

IT IS SO ORDERED.

s/ Mary G. Lewis
United States District Judge

Spartanburg, South Carolina
September 24, 2012